

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MILES MONAHAN, ET AL.,	)	
	)	No. CV 2:08 CV 1511 RBL
Plaintiffs,	)	
	)	ORDER CLARIFYING ORDER
v.	)	GRANTING MOTION FOR
	)	SUMMARY JUDGMENT
EMERALD PERFORMANCE MATERIALS,	)	
LLC,	)	
	)	
Defendant.	)	

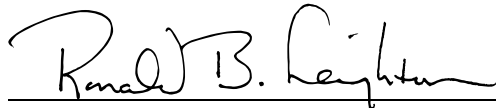
This matter comes before the Court on cross-motions of the parties to clarify the Order Granting Motion for Summary Judgment entered February 25, 2010. [Dkt. #63.] The Court has reviewed the Defendant Emerald's Motion to Clarify [Dkt. #71] and the Plaintiffs' Motion to Clarify [Dkt. #70]. And, finding good cause, Defendant Emerald's Motion to Clarify is **GRANTED**.

In calculating the overtime pay owed to Plaintiffs under RCW 49.46.130(1) as set forth in the Court's February 25 Order, the parties shall calculate the regular rate "by dividing the amount of compensation received per week by the total number of hours worked during that week" for each plaintiff. WAC 296-128-550. The Defendant shall

1 then pay each plaintiff one and one-half times the regular rate to satisfy Defendant's  
2 overtime pay obligations under Washington state law.

3 In computing the amount of overtime pay damages owed, Defendant is entitled to  
4 offset the amounts tendered to Plaintiffs and deposited with the U.S. Secretary of Labor to  
5 avoid duplication of payment.

6 Dated this 30<sup>th</sup> day of April, 2010.

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10 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

11 Presented by:

12 DAVIS WRIGHT TREMAINE LLP

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14  
15 /s/Michael J. Killeen

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